

EXHIBIT 1

Seattle Police Manual

14.090 – Crowd Management

Effective Date: DRAFT 07/11/2016

14.090 – POL

This ~~policy manual section~~ pertains to the Department's practices of crowd management. It is the policy of the Seattle Police Department to facilitate free speech and assembly whenever possible, while preserving order and protecting persons and property.

1. The Department Uses the Incident Command System (ICS) for Crowd Management

An Incident Commander will oversee the Department's response to public assemblies before, during and after the event.

- The Incident Commander may delegate authority and assignments.

Comment [AB1]: CPC suggestion: Insert criteria that will help determine whether an instance of public assembly requires a police presence.

2. The Incident Commander Will be a Sergeant or Above

- **Exception:** An officer can serve as Incident Commander until a sergeant can respond.
- A lieutenant who has completed the requisite incident commander training will assume command when there are two sergeants and/or two squads involved in the event.
- A captain who has completed the requisite incident commander training will assume command when there are two lieutenants involved in the event.
- For more information, see Manual Section 1.020 – Chain of Command.

Comment [AB2]: CPC edit

Comment [AB3]: CPC edit

3. As Far in Advance of the Incident as Possible, t~~The Incident Commander Will Obtain as Much Intelligence About the Event as Feasible~~Coordinate with the Appropriate Department Resources to Obtain Intelligence Information to Assist with Operational Planning and Staffing

Comment [BA4]: CPC edit

Comment [k5]: New edit, 07/05/2016

4. The Incident Commander May Consider Utilizing Specialty Units, Based on Operational Needs

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See 14.090-TSK-1 Responsibilities of the Incident Commander.

5. The Incident Commander Will Determine Minimum Staffing for Crowd Management Events

- The Incident Commander will base staffing levels on the projected number of event participants and any pre-event intelligence indicating potential violence.
- The Incident Commander will develop contingency plans regarding staffing and tactics.

- When feasible, the Incident Commander will provide the staffing plan to the SPD Budget Section prior to the incident.

Comment [AB6]: CPC suggestion: Insert language to ensure that the IC is choosing the best staff for the particular event (those with community experience, for example).

6. The Incident Commander Will Deliver Event Briefings Using a Standardized Format ([SPD ICS Briefing Format](#))

7. The Incident Commander Will Communicate Each Unit's Mission to That Unit's Supervisor or Commander

The involved unit's supervisor or commander will develop the specific methods or tactics that will be used to accomplish the mission. See 14.090-TSK-2 Responsibilities of the Supervisor.

- The unit supervisor or commander will submit all unit plans to the Incident Commander, who will approve or modify the plans to accomplish the overall mission, with any modifications communicated back to the unit supervisor or commander.

8. The Incident Commander Retains Ultimate Responsibility for the Decisions of Subordinates

In order to fulfill this obligation, the Incident Commander will be available for on-scene consultation.

9. Crowd Dispersal

a. Upon Determining That the Crowd Presents an Imminent Risk to Public Safety or That Large-Scale Property Destruction Appears Likely, the Incident Commander May Order That the Crowd Be Dispersed

Before ordering that the crowd be dispersed, the Incident Commander shall consider whether less restrictive means of

Comment [BA7]: CPC suggestion: Revise so that this section either references or matches the dispersal ordinance.

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crowd management are available. Such means may include ~~containment area denial~~ and/or seeking voluntary compliance.

Comment [AB8]: CPC suggestion: Clarify "containment." Something like "area denial" may be clearer.

Comment [k9]: New edit, 07/05/2016.

Upon determining that dispersal is appropriate, the Incident Commander shall ensure that there is an avenue of egress sufficient to allow the crowd to depart.

The Incident Commander or designee shall audibly ~~will first~~ issue the order to disperse ~~and allow a reasonable amount of time for the public to comply prior to instructing officers to disperse the crowd~~, if feasible.

Comment [AB10]: CPC edit

Comment [k11]: New edit, 07/05/2016.

See 14.090-TSK-3 Issuing the Order to Disperse.

b. ~~The Incident Commander Shall Have Authority to Direct the Use of Less-Lethal Blast Balls and OC Spray (See Manual Section 8.300 – Use-of-Force Tools)~~

Comment [k12]: New edit, 07/05/2016

Comment [AB13]: CPC suggestion: We support retaining the original language from this policy (not seen here): Officers Shall Not Use Chemical Agents or Less-Lethal Munitions to Overcome Passive Resistance by Nonviolent and/or Peaceful Protestors, Absent Exigent Circumstances.

c. ~~Upon the Order of the Incident Commander, SWAT Will Deploy Chemical Agents and/or Less-Lethal Munitions Devices to Disperse a Crowd~~

The Incident Commander shall have the authority to direct the use of chemical agents and less-lethal devices to disperse the crowd. ~~Upon order of the Incident Commander, SWAT will deploy less-lethal to disperse a crowd.~~

- A lieutenant may authorize the use of ~~blast balls and OC spray~~ ~~chemical agents/less-lethal munitions~~ to disperse a crowd if an immediate life safety emergency exists that requires this action be taken and there is insufficient time to obtain incident command approval.

Comment [k14]: New edit, 07/05/2016.

- An immediate life safety emergency is an unplanned, dynamic situation where immediate police action is necessary to protect the officers' and/or the public's safety.

Comment [BA15]: CPC suggestion: Increase clarity on when an IC can authorize blast ball use or OC spray.

d. ~~A CART-Trained Supervisor Shall Oversee Chemical Agents and/or Less-Lethal Munitions When SWAT is not Assigned to the Event~~

- ~~Only p~~Personnel trained to deploy patrol CART ~~munitions tools (blast balls and OC spray)~~ are authorized to carry and use these ~~agents or devices tools~~ under the supervision of a ~~CART~~-trained supervisor, unless

Comment [k16]: New edit, 07/05/2016.

Comment [k17]: Is CART a relevant term anymore?

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otherwise directed by the Incident Commander. ~~The Incident Commander shall have the authority to direct the use of chemical agents and less-lethal devices to disperse the crowd.~~

~~—Each precinct will maintain a supply of chemical agents and less-lethal devices to address an unplanned crowd management event where there is insufficient time to deploy SWAT.~~

When feasible, officers will not deploy blast balls and OC spray until a dispersal order has been issued to the crowd and the crowd has been given a reasonable amount of time to comply.

When feasible, officers shall avoid deploying blast balls and OC spray in the proximity of people who are not posing a risk to public safety or property.

The deployment of blast balls within close proximity to people is reported and investigated as Type II force. (See Manual Section 8.400.)

Exception: When the deployment of blast balls results in injury or complaint of injury that meets the criteria for a Type III investigation, the deployment is reported and investigated as Type III force. (See Manual Section 8.400.)

The deployment of blast balls away from people (i.e. a “bang out”) is reported and investigated as Type I force. (See Manual Section 8.400.)

c. Each Precinct Will Maintain a Supply of Blast Balls and OC Spray to Address an Unplanned Crowd Management Event Where There is Insufficient Time to Deploy SWAT

In the event of an unplanned crowd management event, the Incident Commander shall request SWAT when feasible.

de. The Incident Commander Will Deploy Department Personnel to Accomplish Specific Tactical Objectives

Objectives may include:

- ~~- Separating and removing violent demonstrators to preserve the free speech of non-violent demonstrators~~
- ~~—Containment—to confine a crowd~~

Comment [k18]: New edit, 07/11/2016, per feedback from Mr. Thompson.

Comment [k19]: New edit, 07/05/2016. (This language takes the place of a standalone blast balls policy in 8.300.)

Comment [k20]: New edit, 07/05/2016.

Comment [AB21]: CPC suggestion: Perhaps tracking of blast balls should be referenced in this section?

Comment [BA22]: CPC suggestion: Replace “violent demonstrators” with language such as “harming or exhibiting intent to harm persons or property.”

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- ~~—Complete containment of a crowd without a dispersal route will only be done as a prelude to a mass arrest situation~~
- ~~—Isolation—to prevent the growth of the crowd and to deny access to those who are not involved, for their own safety~~
- Preventing ~~ing on~~ escalation – to defuse the situation through warnings and verbal persuasion
- Directing the crowd consistent with safety considerations
- Isolating the crowd to prevent the growth of the crowd and to deny access to those who are not involved, for their own safety
- Dispersing ~~ing~~ —to disperse the crowd in a predetermined direction and taking ~~ing~~ enforcement action against violators

Comment [AB23]: CPC suggestion: Revise language so that this option is limited to exigent circumstances.

Comment [BA24]: CPC suggestion: Clarify language to differentiate between dispersal and being directed to a specific location. May also need to make clear that if people are being "dispersed" they need to be *allowed* to do so.

~~f. Officers and Incident Commanders Must Document Uses of Force~~

- ~~—Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.00 – Use of Force Reporting and Investigation.~~
- ~~—The Incident Commander authorizing the use of chemical agents and/or less lethal weapons must justify that decision in a Use of Force Report, with a copy submitted to the relevant Bureau Commander in addition to the normal routing.~~

10. Officers May Make Individual Decisions to Deploy OC Spray. Consistent with Title 8 – Use of Force

Comment [BA25]: CPC suggestion: Clarify use of blast balls.

~~a. Officers Shall Deploy OC for Specific Objectives Consistent With Manual Section 8.200 – Using Force.~~

The authorized use of OC in crowd management situations involving violent activity shall have as a primary objective at least one of the following:

- Defend oneself
- Defend someone else
- Prevent significant destruction of property

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ab. OC Will be Directed at the Specific Suspect(s) who are Posing a Threat

When feasible, officers shall issue a verbal warning to the suspect(s), other officers, and other individuals present, that OC spray will be used and defer using OC spray a reasonable amount of time to allow the suspect(s) to comply with the warning.

Comment [k26]: New edit, 07/05/2016.

Officers deploying OC will attempt to limit collateral exposure to non-involved parties.

- If there is probable cause to arrest for a crime, it is a priority for officers to arrest individuals against whom OC has been deployed.

bc. Officers Will Provide Aid to Subjects Exposed to ~~Chemical Agents and/or~~ OC, if Feasible

Officers will request medical response or assistance for subjects exposed to ~~chemical spray and/or~~ OC when they complain of continued effects after having been decontaminated, or they indicate that they have a pre-existing medical condition (e.g. asthma, emphysema, bronchitis, heart ailment, etc) that may be aggravated by ~~chemical spray and/or~~ OC.

~~d. Officers Must Document Uses of Force~~

~~Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.400 - Use of Force Reporting and Investigation.~~

11. Incident Commanders and Officers Must Document Uses of Force

- The Incident Commander authorizing the use of less-lethal tools must justify that decision in a Use-of-Force Report, with a copy submitted to the relevant Bureau Commander in addition to the normal routing.
- Officers shall individually justify and document all reportable uses of force consistent with Manual Section 8.400 - Use-of-Force Reporting and Investigation.

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121. Following the Event, Sergeants and Incident Commanders Will Conduct a Day-of-Event Debrief

- Sergeants will conduct a debriefing of their assigned officers and document any observations or suggestions on an *Event Debrief Form* (form 23.5).
- Sergeants and the Incident Command staff will then have a separate debrief to discuss the following subjects:
 - Event staffing
 - Deployment
 - ~~- Areas of success~~
 - ~~- Areas for improvement~~
 - Command issues
 - Communication issues
 - Logistical issues
 - ~~- Use of less-lethal tools~~
 - ~~- Areas of success~~
 - ~~- Areas for improvement~~

132. Consistent with Manual Section 14.010, the Incident Commander Will ~~Will~~ Must Complete an After-Action Report

- The Incident Commander will complete an After-Action Report that will be routed to the Patrol Operations Bureau Commander via the precinct-of-occurrence chain of command. The Incident Commander is encouraged to incorporate community perspectives in the report. All completed Event Debrief Forms will be attached to the After-Action Report.
- Once reviewed by the Patrol Operations Bureau Commander, the After-Action Report and Event Debrief Forms will be ~~loaded into the S:drive Crowd Management folder sent to SPOC~~ by Patrol Operations Bureau staff.

14. Uses of Force that Occur During the Course of Crowd Management are Reviewed in Accordance with Manual Section 8.500-POL-6.

Comment [k27]: New edit, 07/05/2016.

Comment [AB28]: CPC edit

Comment [BA29]: CPC edit: suggest adding language to encourage the incorporation of community feedback/organizer input. This could enhance the event analysis and assist with future staffing decisions.

Comment [k30]: New edit, 07/05/2016.

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14.090-TSK-1 Responsibilities of the Incident Commander

During the course of managing a crowd, the Incident Commander:

1. If feasible, **contacts** the event organizer to discuss the Department response
2. **Develops** contingency plan regarding staffing and tactics
 - SPD task force callout criteria
 - Mutual aid callout criteria
3. **Considers** utilizing specialty units
 - Bicycle units for marches or mobile protests
 - Officers on foot for static events, or to function as arrest teams or bicycle unit support for marches or mobile protests
 - Mounted patrol for static events, marches or mobile protests
 - Video Unit for events where intelligence indicates that civil disobedience or crowd violence will occur (Recordings must be in compliance with [SMC 14.12 – Collection of Information for Law Enforcement Purposes](#).)
 - Special Weapons and Tactics (SWAT) officers to use less-lethal launchers ~~and, munitionstools and chemical agents~~ that are approved for use solely by the SWAT team
 - ~~Patrol~~ CART-trained officers when there is insufficient time to deploy SWAT
 - Prisoner processing for events where intelligence indicates civil disobedience or crowd violence will occur
 - Intelligence Unit resources when there is a need for ongoing intelligence gathering and dissemination during the event
 - SPOC for planning and logistical support

4. **Provides** a staffing plan to the SPD Budget Section, if feasible

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54. Communicates each unit's mission to the relevant supervisor or commander

a. Instructs the supervisor or commander to develop and provide plans

Comment [k31]: New edit, 07/05/2016.

ba. Approves unit plans

65. Briefs officers and supervisors using the SPD ICS briefing format

76. Remains available for on-scene consultation

87. Debriefs supervisors and commanders following the event

a. Collects Event Debrief Forms from the supervisors

98. Completes an After-Action Report consistent with the requirements of Manual Section 14.010 – After-Action Reports

~~a. Per Manual Section 14.010 – After-Action Reports, writes a memo containing the following:~~

~~–Situation~~

~~–Mission objective~~

~~–Deployment information~~

~~–Chronological summary of the incident~~

~~–Enforcement actions~~

~~–Logistics~~

~~–Communications~~

~~–Critique~~

Comment [k32]: New edit, 07/05/2016.

b. Routes the After-Action Report and Event Debrief Forms to the Patrol Operations Bureau Commander, via the chain of command

14.090–TSK–2 Responsibilities of the Supervisor

~~During the course of managing a crowd, I~~the supervisor:

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1. **Develops** methods or tactics that will be used to accomplish the mission, as directed by the Incident Commander
 - a. **Submits** plans to the Incident Commander
2. **Debriefs** assigned officers after the incident
3. **Documents** observations and suggestions on an *Event Debrief Form* (form 23.5)
 - a. **Submits** *Event Debrief Forms* to Incident Commander
4. **Attends** separate debrief with Incident Commander

14.090-TSK-3 Issuing the Order to Disperse

Upon determining that the crowd presents an imminent risk to public safety or that large-scale property destruction appears likely, the Incident Commander, as feasible:

1. ~~Considers~~ **Places** facing officers at the rear of the crowd to ensure-verify that the order to disperse could will be heard by all
2. **Issues** the following order:

"I am (rank and name) of the Seattle Police Department. I am now issuing a public safety order to disperse and I command all those assembled at (specific location) to immediately disperse, which means leave this area. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of chemical agents or less-lethal munitions, which may inflict significant pain or result in serious injury. If you remain in the area just described, regardless of your purpose, you will be in violation of city and state law. The following routes of dispersal are available: (routes). You have (reasonable amount of time) minutes to disperse."
3. **Allows** a reasonable amount of time for the crowd to disperse
4. **Repeats** the order to disperse, if feasible
5. **Continually** assesses the balance of dispersal time and the goal of retaining control of the situation

Comment [BA33]: CPC edit

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